

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO**

**JOHN MANCINI, and
NORTHEAST OHIO COALITION
FOR THE HOMELESS,**

Plaintiffs,

v.

**CITY OF CLEVELAND,
FRANK JACKSON, in his official
capacity as Mayor of Cleveland, and
CALVIN WILLIAMS, in his official
capacity as Chief of Police,**

Defendants.

Civil Action No.: 1:17-cv-00410
Honorable Donald C. Nugent

PLAINTIFFS' RESPONSE TO DEFENDANTS' MOTION TO DISMISS

In light of the City's decision to repeal the anti-panhandling ordinances challenged by the Plaintiffs, Plaintiffs do not oppose Defendants' motion to dismiss the Plaintiffs' claims for prospective relief only. However, Plaintiffs' claims for retroactive relief are unaffected by the repeal, and Defendants' motion to dismiss should be denied to the extent that it seeks dismissal of such claims. *See, e.g., Fulton Corp. v. Faulkner*, 516 U.S. 325, 327 n.1 (1996) (repealing law does not moot claim for damages).

Counsel for Plaintiffs are hopeful that we will be able to resolve the remaining claims for retroactive relief without need for Court intervention, and we have reached out to counsel for the

City to discuss. Plaintiffs propose that counsel will inform the Court whether settlement of the remaining claims has been reached on or before July 31, 2017.

June 23, 2017

Respectfully submitted,

/s/ Joseph Mead

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Attorneys for Plaintiffs

Certificate of Service

I hereby certify that on June 23, 2017, a copy of foregoing opposition was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's system.

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